

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 18 CR 278
	)	
ERNESTO GODINEZ	)	Judge Harry T. Leinenweber
	)	

**GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION IN LIMINE TO BAR GANG EVIDENCE**

The parties have filed dual motions regarding evidence of the defendant's membership in the Latin Saints street gang. The government filed a motion in limine to admit evidence of the defendant's membership in the Latin Saints and the rules of the gang, Doc. No. 62, while the defendant filed a motion to exclude gang evidence and the expert testimony of Chris Chmelar. Doc. No. 57.

The government will not repeat its arguments here, but notes that a central and necessary assumption to the defendant's argument is that there is no evidence that the shooting of the ATF agent was gang-related. As set forth in the government's summary of the expected evidence at trial, Doc. No. 62 at 1-6, the defendant is incorrect. The expected evidence, including the testimony of Officer Chmelar, regarding the Latin Saints' rules to protect their territory and the defendant's membership in the Latin Saints go directly to the question of motive and identity. The defendant's reliance on an out-of-circuit, concurring opinion analyzing the use of a drug-trafficking expert to describe the nature of hand to hand drug transactions is misplaced. Doc. No. 57 at 3-4, *citing United States v. Young*, 745 F.2d 733 (2nd Cir.

1984). Officer Chmelar is expected to testify about the territory of the Latin Saints and the rules by which Latin Saints members are expected to abide. Such testimony goes directly to the defendant's motive, and is therefore relevant and probative under FRE 402 and 403.

The government incorporates the arguments set forth in its Consolidated Motions *in Limine*, and requests that the Court deny the defendant's motion to exclude evidence of the defendant's membership in the Latin Saints, evidence of the rules of the Latin Saints, and the testimony of expert Chris Chmelar.

Dated: May 20, 2019

Respectfully submitted,

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